

Do not use this checklist for closure coverage. If using a letter of credit for closure coverage, use publication #05-04-008(d).
Do not use this checklist for post-closure or interim status facilities – contact Ecology’s Financial Assurance Officer for instructions.

FINANCIAL ASSURANCE COMPLIANCE CHECKLIST IRREVOCABLE LETTER OF CREDIT FOR LIABILITY FACILITIES USING 40 CFR 264.147(h)

REVIEW FOR YEAR: _____

EFFECTIVE DATE _____
DATE SUBMITTED _____
LETTER NUMBER _____
LENDER/BANK NAME _____
FACILITY NAME _____
LOCATION _____
ID NUMBER _____

INITIAL REVIEW STEPS	COMMENTS
1. Have the required documents been submitted?	
a. Irrevocable Standby Letter of Credit – 40 CFR 264.147(h)(1)	
b. Standby Trust Agreement, if applicable – 40 CFR 264.147(h)(4)	
c. Schedule A, if applicable – 40 CFR 264.151(n)(1), Section 2	
d. Schedule B, if applicable – 40 CFR 264.151(n)(1), Section 4	
e. Exhibit A, if applicable – 40 CFR 264.151(n)(1), Section 13	
f. Certificate of Acknowledgement – 40 CFR 264.151(n)(2)	
2. Is the financial institution qualified? 40 CFR 264.147(h)(2)	
3. Is the Letter of Credit wording identical to the requirements? 40 CFR 264.151(k) and WAC 173-303-620(10)	
4. Is the Standby Trust Agreement wording identical to the requirements (if applicable)? 40 CFR 264.151(n)(1) and WAC 173-303-620(10)	
5. Is the amount of the Letter of Credit at least \$1/\$2 million for sudden accidental occurrences and at least \$3/\$6 million for nonsudden accidental occurrences? 40 CFR 264.147(a) and 264.147(b)	
SUBSEQUENT REVIEW STEPS	
6. Have the required documents been submitted?	
a. New/replacement Irrevocable Standby Letter of Credit – 40 CFR 264.147(h)(1)	
b. Standby Trust Agreement, if applicable – 40 CFR 264.147(h)(4), 264.151(n)(1)	
c. Schedule A, if applicable – 40 CFR 264.151(n)(1), Section 2	
d. Schedule B, if applicable – 40 CFR 264.151(n)(1), Section 4	

e. Exhibit A, if applicable – 40 CFR 264.151(n)(1), Section 13	
f. Certificate of Acknowledgement – 40 CFR 264.151(n)(2)	
7. Does the financial institution remain qualified? 40 CFR 264.147(h)(2)	
8. Is the Letter of Credit wording still identical to the requirements? 40 CFR 264.151(k) and WAC 173-303-620(10)	
9. Is the Standby Trust Agreement wording still identical to the requirements (if applicable)? 40 CFR 264.151(n) and WAC 173-303-620(10)	
10. Is the amount of the Letter of Credit at least \$1/\$2 million for sudden accidental occurrences and at least \$3/\$6 million for nonsudden accidental occurrences? 40 CFR 264.147(a) and 264.147(b)	
11. Any other outstanding issues or concerns?	

MANDATORY LANGUAGE: Located in 40 CFR 264.151(k), 264.147(n), and WAC 173-303-620(10). Examples of mandatory language are available from Ecology's Financial Assurance Officer at (360) 407-6754.

CONCLUSION: The Department of Ecology determines that the facility has *(circle one)* **COMPLIED** / **NOT COMPLIED** in all material respects with the requirements governing financial assurance as described in 40 CFR Part 264. Reasons for noncompliance, if any, are detailed in an attached memo.

Department of Ecology Review by: _____ Date: _____